

## Belanger, Jean-Marie

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**From:** Ojha, Richard  
**Sent:** April 10, 2014 09:37 AM  
**To:** Bouchard, Cindy; Brennan, Monique  
**Cc:** Lyall, Lee; Hurst, Paul; Malik, Vanessa  
**Subject:** FOSS Flag Removal Action Plan

Hi Cindy/Monique,

Here is a summary of how we can attack the FOSS Flag situation

### FOSS Flag Removal Action Plan:

- Approve FM document so FOSS IT can build functionality for FOSS Super NCB June 14<sup>th</sup>.
  - Preliminary Analysis of FOSS flags including recommendation to remove flag
  - Resource Allocation Projection (daily productivity assessment in order to project amount of resources to be dedicated to the project) in order to meet the FOSS Replacement deadline (December 2014)
1. Go into the "Done Not Filed" folder and check each approved flag removal to ensure that flag has remained off and should continue to remain off. Enter the FOSS ID in the Excel spreadsheet on the G drive for delivery to Nancy McEvoy in mid-June.
  2. Once the 1,500 "Done Not Filed" IDs are entered into the spreadsheet, continue vetting the removed flags in the FY 12-13 folder on the G drive and work backwards.
  3. Keep track of the number of FOSS IDs are you are able to enter each day and we can use those numbers to gauge progress over the next two months and calculate whether we will meet our deadline.
- Mailbox message: do we need to change?
  - CPSD Message
  - Operational Bulletin: Communication of strategy to field
  - June 14<sup>th</sup> FOSS flag removal to begin
  - There will no longer be a spreadsheet to be submitted. When the Super NCB is applied to a client, the flag will remain off.

RICHARD OJHA  
 Senior Program Advisor | Conseiller principal en matière de programmes  
 Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
 Border Programs Directorate | Direction des programmes frontaliers  
 Programs Branch | Direction générale des programmes  
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## Belanger, Jean-Marie

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**From:** Ngaiza, Dorris  
**Sent:** March 10, 2014 02:25 PM  
**To:** Hurst, Paul  
**Subject:** RE: Memorandums of Understanding

Thanks Paul ☺

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**From:** Hurst, Paul  
**Sent:** March 10, 2014 2:25 PM  
**To:** Ngaiza, Dorris  
**Cc:** Richardson, Neil  
**Subject:** Memorandums of Understanding

Dorris...

We don't hold the MOUs – these are locally/regionally crafted documents that have a history dating back many years between Manpower and Immigration/CEIC/CIC and CSA in Toronto and Niagara. I have seen one years ago when I worked in Pearson and the best contact would be either Dennis Milosevic and/or Naima Karimullah for the Toronto/Peel MOU - I am unsure of the contact for Niagara.

Had I known that we required one, I would have requested a copy much earlier.

Paul Hurst  
Immigration Border Policy Unit - Traveller Border Programs  
Canada Border Services Agency  
191 Laurier Ave West, Suite 15031  
Ottawa, On K1A 0L8  
(613) 948-7094  
[Paul.Hurst@cbsa-asfc.gc.ca](mailto:Paul.Hurst@cbsa-asfc.gc.ca)

## Belanger, Jean-Marie

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**From:** Barlow, Adrienne  
**Sent:** March 27, 2014 03:03 PM  
**To:** Bouchard, Cindy  
**Cc:** Daigle, Jason; Oakman, Doug; Charland, Louis; Hurst, Paul; Ngaiza, Dorris  
**Subject:** FW: Impacts of Diverted Flights

Hi Cindy,

Please find below a suggested response to this tasking: *"Our DG, Robert Dick wondered what are the impacts for CBSA (and CIC) if a flight that was not bound for Canada lands in Canada with passengers who may not have the necessary passport/visa to enter Canada...Would you be able to provide some high-level information that we could include in our BN with respect to the impact that such diversions might have on CBSA's operations?"*

I would only add that there may be a need to get the input of the Air team on this tasking, as the impact to CBSA when flights are diverted MAY also include an impact in relation to the goods being carried by the travellers in their personal possession (e.g. US-registered weapons, contraband, etc.), and/or if there is a need to off-load the baggage from the flight.

I did touch base with Louis in this regard, and at a high level, he indicated there is no formal policy...rather, similar to the immigration business line, BSOs utilize their common sense (in light of the reason for the passenger's arrival) and approach and process each traveller on a case-by-case basis and in light of their individual circumstances.

I have cc'd Doug, Jason, Paul and Louis as I sought input from each of them for content. Any/all – please feel free to suggest changes to below if not in keeping with your input.

Thanks,  
 Adrienne

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Thank-you for the opportunity to provide some input and guidance as to the impact to CBSA operations of flights diverted to Canada for emergency or weather-related reasons. In response to your questions, we provide the following:

- All foreign nationals seeking to enter or transit Canada are required to be in possession of a valid Temporary Resident Visa (TRV) prior to entering or transiting Canada, unless exempted under s.190 of the *Immigration and Refugee Protection Regulations* (IRPR).
- Airlines have specific obligations under the *Immigration and Refugee Protection Act* (IRPA) and *Regulations* (IRPR) when operating flights to or through Canada. The obligations include:
  - To not carry improperly documented passengers to Canada;
  - To present passengers for examination;
  - To ensure that persons presented for examination have the prescribed document for travel to, or transit through Canada;
  - To convey inadmissible foreign nationals who are ordered removed and to pay the costs of such removals;
  - To pay medical costs of persons who require medical attention on arrival;
  - To provide security as required;
  - To pay administration fees for improperly documented arrivals, and;
  - To hold the travel documents of a passenger, if the transporter has reasonable grounds to believe that the travel documents are genuine but will not be available for examination at the port of and entry and issue a receipt to a passenger whose documents were held.

- When flights are diverted to Canada as a result of an emergency or weather situation, airlines could be held liable for Administration Fees (“fees”) for improperly documented passengers; however, the Agency only issues these fees against the airlines when the passenger is not facilitated by the Border Services Officer (BSO).
- In practice, BSOs are strongly encouraged to be as facilitative as possible with travellers whose aircraft was not destined to Canada but must land in Canada due to unforeseen circumstances beyond their control, such as mechanical failures, unusual weather conditions, or emergency situations.
- For example, in order to overcome the inadmissibility for not having the correct documents in their possession, the passengers are usually issued a Temporary Resident Permit (TRP) or an “Allowed to Leave” document by the BSO, both of which permit the traveller to leave Canada without receiving a removal order or other document with a lasting enforcement impact.
- Similarly, in January 2012, CIC issued policy instructions citing public policy considerations to warrant an exemption to the cost recovery fee for TRPs – which is collected by CBSA at ports of entry on behalf of CIC - for certain inadmissible passengers who are issued a TRP as a result of seeking entry to Canada off of a diverted flight.
- The Agency is unaware of any fees issued to an airline that was diverted to Canada or not intending to arrive in Canada, in the winter of 2013/2014.

Please do not hesitate to contact us should you have any further questions.

Regards,

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Adrienne Barlow  
 Senior Program Advisor - Conseillère principale des programmes  
 Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
 Traveller Border Programs / Programmes frontaliers pour les voyageurs  
 Canada Border Services Agency | 191 Laurier Ave W, 15th floor, Ottawa, ON K1A 0L8  
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 Tel: 613-952-5601 / Fax: 613-954-0828 / [adrienne.barlow@cbsa-asfc.gc.ca](mailto:adrienne.barlow@cbsa-asfc.gc.ca)

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**From:** Bouchard, Cindy  
**Sent:** March 27, 2014 10:40 AM  
**To:** Barlow, Adrienne  
**Subject:** FW: Impacts of Diverted Flights

Could you draft a couple of bullets to answer the point below. You can delegate to Lee or Paul if you're too busy.  
 Thanks  
 Cindy

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**From:** Malloy, Nour  
**Sent:** March 27, 2014 10:14 AM  
**To:** Bouchard, Cindy  
**Cc:** Malloy, Nour; Dargis, Marie-Pier; Ngaiza, Dorris  
**Subject:** FW: Impacts of Diverted Flights

FYI this is coming your way...

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**From:** Attfield, Alec  
**Sent:** March 26, 2014 6:07 PM  
**To:** Chevalier, Shauna  
**Cc:** Malloy, Nour; Dargis, Marie-Pier; Van Riel, Katrina  
**Subject:** RE: Impacts of Diverted Flights

Incoming from a Manager at TC! Why is this going through the DG. Could you not simply redirect them to us?

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**From:** Chevalier, Shauna  
**Sent:** March 26, 2014 5:18 PM  
**To:** Attfield, Alec  
**Cc:** Malloy, Nour; Dargis, Marie-Pier; Van Riel, Katrina  
**Subject:** FW: Impacts of Diverted Flights

Hi Alec

Could you provide us with information for Transport Canada for their BN?

I can follow up to determine their timelines if you believe collecting this information will take some time.

Please let me know

Thanks  
Shauna

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**From:** Imrie, Megan  
**Sent:** March 26, 2014 5:15 PM  
**To:** Chevalier, Shauna  
**Subject:** FW: Impacts of Diverted Flights

Can we please get some input for TC from Travellers for the BN? Thanks Megan

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**From:** Jones, Wendy-Anne [<mailto:wendy-anne.jones@tc.gc.ca>]  
**Sent:** March 26, 2014 4:02 PM  
**To:** Imrie, Megan  
**Subject:** Impacts of Diverted Flights

Hi Megan,

I was given your name by my colleague Tess Sliwinski. We have been asked to draft a BN on the impacts of the winter weather on Canadian airports, and specifically on Pearson last January.

One of the issues that officials at GTAA have mentioned is the number of US-bound flights that are diverted to Pearson (and other Canadian airports),

Our DG, Robert Dick wondered what are the impacts for CBSA (and CIC) if a flight that was not bound for Canada lands in Canada with passengers who may not have the necessary passport/visa to enter Canada.

Would you be able to provide some high-level information that we could include in our BN with respect to the impact that such diversions might have on CBSA's operations?

Many thanks in advance,

Wendy-A.

**Wendy-Anne Jones**  
Manager/Senior Policy Advisor

Gestionnaire/Conseillère principale en Politiques,  
Transport Canada  
National Air Services Policy / Politique de services nationaux du transport aériens, ACEB  
Tel: 613 993-7367 / Fax: 613 991-6445  
email/courriel: [wendy-anne.jones@tc.gc.ca](mailto:wendy-anne.jones@tc.gc.ca)

## Belanger, Jean-Marie

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**From:** Charland, Louis  
**Sent:** March 27, 2014 11:44 AM  
**To:** Hurst, Paul  
**Subject:** FW: Diversions Briefing note  
**Attachments:** Porter diversionsv2.doc

More info

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**From:** Smith, Gregg  
**Sent:** July 31, 2009 9:07 AM  
**To:** Charland, Louis  
**Subject:** FW: Diversions Briefing note

*Gregg Smith*

Senior Program Advisor | Conseiller principal de programme.  
People Processing Division | Division du traitement des personnes,  
Operational Program Support Directorate | Direction de soutien des programmes opérationnels,  
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**From:** McKinnon, Susan  
**Sent:** July 30, 2009 3:54 PM  
**To:** Smith, Gregg  
**Subject:** Diversions Briefing note

Hi Gregg,  
In Greg's absence, can you give me some insight to this issue?

Thanks, Susan

Susan McKinnon  
Manager / Gestionnaire  
Designation Services Unit /  
l'Unité des services de designation  
Operations Branch / Direction générale des operations  
Canada Border Services Agency / Agence des services frontaliers du Canada

613-960-3388 (T)

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**From:** McKinnon, Susan  
**Sent:** July 30, 2009 3:53 PM  
**To:** Modler, Greg  
**Subject:** Diversions Briefing note

Hi Greg,  
How are you? Lisa Janes has prepared a BN with respect to Porter diverting their flights from TCCA to PIA.

I look forward to your comments.

Thanks, Susan

Susan McKinnon  
Manager / Gestionnaire  
Designation Services Unit /  
l'Unité des services de designation  
Operations Branch / Direction générale des opérations  
Canada Border Services Agency / Agence des services frontaliers du Canada

613-960-3388 (T)

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**From:** Janes, Lisa  
**Sent:** July 21, 2009 11:39 AM  
**To:** McKinnon, Susan  
**Subject:** Diversions Briefing note

Susan – here is the briefing note we had prepared on diversions with Porter.

Thanks

Lisa Janes  
Director/Directrice  
Commercial Operations/Opérations commerciales  
905-676-5075





## **GTA Region BRIEFING NOTE**

- On January 09, 2009, contact made by CBSA to Porter requesting an update on the diversions. At this point, Porter has received no feedback from GTAA nor have they been successful with any of the other options; therefore, no resolution to the diversions.
- February 09, 2009, conference call with the following participants: Lisa Janes, Wilson Doan, Susan Kramer, Greg Modler, and Shelly Trépanier. On this call, Commercial management briefed Headquarters representatives on the Porter events to date and sought their support in the recommendation proffered below. They supported this recommendation.

### **VOLUMETRICS**

2002 - Total number of Passenger flights (including diversions) processed by CBSA (March 31, 2008 to February 11, 2009).

CBSA has cleared a total of 32 diversions at Landmark.

5 arrived when TCCA was open (08:00 – 23:00)

8 arrived past TPA curfew (23:00 -24:00)

19 arrived when the port and ferry operation was closed (24:00 - 02:12)

### **CONSIDERATIONS**

CBSA management has extended every possible courtesy and accommodation to Porter Airlines to help facilitate a solution to diversions at Landmark. This is not a service CBSA offers to any other comparable carrier.

In good faith, CBSA understood that there would only be one or two diversions per year due to weather and therefore agreed to these clearances at the FBO.

Porter is departing from U.S. cities knowing that the flight will not arrive at TCCA before curfew or after the port is closed.

CBSA is experiencing increasing numbers of passengers with admissibility issues. This may be partly attributed to the expansion of the Porter flight schedule thereby attracting persons outside of only the regular transborder business clientele. To date, all diverted clearances have been processed without incident.

CBSA is vulnerable if the Agency continues to clear Porter aircraft at an FBO that is not equipped as a Port of Entry (IPIL, Immigration printers, secured forms). Pearson International Airport Terminal One and Terminal Three and TCCA are the only fully operational sites within the District for this function.

To ensure public safety, CBSA officers conduct database checks on the Passenger manifest prior to the arrival. Management is concerned with the perception of CBSA providing preferential treatment to one carrier.

### **VIEWPOINTS/RECOMMENDATIONS**

## Belanger, Jean-Marie

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**From:** Ojha, Richard  
**Sent:** March 10, 2014 12:20 PM  
**To:** Hurst, Paul; Lyall, Lee  
**Subject:** FW: FOSS Flag Removal CRs  
**Attachments:** 05NOV2013 Change Request - Flag Removal NCB.DOC; 05NOV2013 Change Request-FOSS Flag Removal robustness (FOSS).doc

Just FYI..

RICHARD OJHA  
Senior Program Advisor | Conseiller principal en matière de programmes  
Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
Border Programs Directorate | Direction des programmes frontaliers  
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Email | courriel:richard.ojha@cbsa-asfc.gc.ca

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**From:** Bouchard, Cindy  
**Sent:** March 10, 2014 12:06 PM  
**To:** Attfield, Alec  
**Cc:** Ojha, Richard; Khatib, Nour; Dargis, Marie-Pier  
**Subject:** FW: FOSS Flag Removal CRs

Alec:  
Flip-friendly to Paul below, to keep the ball rolling on the FOSS flag removal issue.  
Cindy and Richard

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Good Afternoon Paul,

Further to Deborah Ingraham's message below regarding our FOSS flag change requests, we would like to proceed with a meeting later this week with Business Systems Support Enforcement (FOSS), Traveller Border Programs, and CIC IT (FOSS) Nancy McEvoy to discuss requirements and options to assist with the full impacting for level of coding, testing, etc.

These change requests are becoming urgent in order to provide a mechanism for a proper data cleanup before December 2014, in light of FOSS decommissioning. Accordingly, we would like to the change requests to be included in the next FOSS release.

Please let us know who should attend on your side and we will set up the meeting. Richard Ojha and Cindy Bouchard are the contacts in Traveller Border Programs.

Thank you,

A

P.A. (Alec) Attfield

Director | Directeur  
Traveller Border Programs | Programmes frontaliers pour les voyageurs  
Programs Branch | Direction générale des programmes  
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**From:** Ingraham,Deborah [<mailto:Deborah.Ingraham@cic.gc.ca>]  
**Sent:** February 27, 2014 2:42 PM  
**To:** Hendriks, Paul; Attfield, Alec  
**Cc:** Flynn-McRae, Mary; Kemper, Colleen; Barlow, Adrienne; McEvoy, Nancy: CIC / CIC  
**Subject:** RE: FOSS Flag Removal CRs

Hi Paul,

Based on just the CRs, we are looking at a minimum of several weeks worth of effort.

We have questions that will impact the design. It would be better for us if we could meet having a meeting to discuss requirements and options and then determine the full impact, level of coding and testing effort, dates, etc..

The CIC contact for the meeting would be Nancy McEvoy.

Debbie

Deborah Ingraham  
Director | Directrice  
NHQ – Solutions and Information Management | AC - Direction générale des solutions et de la gestion de l'information  
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada  
219 Laurier Avenue West Ottawa ON K1A 1L1 | 219 avenue Laurier Ouest Ottawa ON K1A 1L1  
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Telephone | Téléphone 613-941-2518  
Facsimile | Télécopieur 613-946-5802  
Government of Canada | Gouvernement du Canada

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**From:** Hendriks, Paul [<mailto:Paul.Hendriks@cbsa-asfc.gc.ca>]  
**Sent:** Wednesday, February 26, 2014 9:42 PM  
**To:** Ingraham,Deborah; Attfield, Alec  
**Cc:** Flynn-McRae, Mary; Kemper, Colleen; Barlow, Adrienne  
**Subject:** FOSS Flag Removal CRs

Hi.

There were two CR's (attached) that were discussed at the DG Steering Committee to articulate an urgency around these requests. Agreement was reached that we would ask the FOSS team (Debbie) to provide a level of impact on these two elements. I am not well positioned to speak to the level of effort, nor to the urgency of these requests. Debbie, could you provide the level of effort so that it can then be discussed with Alec on the request.

Thanks,  
paul

Paul Hendriks  
A/ Executive Director | Directeur executif par interim  
Business Application Services Directorate / Direction des services relatifs aux applications opérationnelles

Information, Science and Technology Branch | Direction générale de l'information, des sciences et de la technologie  
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## BSSE - Change Request Form- Flag Removal NCB (Non-Computer Based Entry)

System Change(s) required to:	NCMS	NCMS Reports	FOSS X
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Client/Office Requesting the change: Border Programs and Port of Entry Operations	Request sent to: (BSSE - responsible person) Adrienne Barlow
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### Summary:

Currently when a client has certain documents issued in FOSS a flag is sent to PIL for the client to be referred for an Immigration secondary examination. Not all of these referrals are necessary and cause resources to be utilized in the examination of these clients costing CBSA time and money that could be dedicated elsewhere. In line with Blueprint 2020 and border modernization, CBSA seeks to alleviate some of these volumes, and enhance client experience through the creation of a "FOSS Flag Removal NCB" that would allow a quicker solution for flag removals/referrals to Immigration Secondary. The creation of this NCB would a more comprehensive/transparent process where CBSA NHQ programs and CBSA Operations deem appropriate to eradicate flags.

### Requirement(s):

In an effort to reduce the amount of clients unnecessarily referred to Immigration secondary and provide a more efficient/effective mechanism for flags triggered at PIL for referral to Immigration secondary, Border Programs/Port of Entry Operations are requesting the creation of "FOSS Flag Removal" NCB type that would remove a flag on clients which would result in a referral to Immigration Secondary to improve client experience and reduce unnecessary volumes.

#### Requirements:

-the FOSS Flag Removal NCB type must remove the flag(s) that trigger a client to be referred to Immigration Secondary. This includes severing the flag (PIL bit) connection for **ALL** documents triggering a referral to Immigration secondary including, but not limited to

that would cause a client to be a referral from PIL to Immigration secondary. The effect of the creation of FOSS Flag removal NCB for a client would mean the client would not be referred into Immigration secondary.

-The FOSS Flag Removal NCB type will sever the client flag(s) **for ALL documents** that trigger a PIL flag on historical information only (that is documents causing a PIL flag **prior** to the FOSS Flag Removal



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- 2 -

NCB being created)

-All flags are permanently severed unless **ANY** document is **subsequently** created that would trigger a flag for referral to Immigration secondary (this includes LSFD). If one of these documents is created after the FOSS flag removal is created, it would turn the flag(s) and the referral PIL referral to Immigration secondary on. If subsequently another FOSS removal NCB were entered after the fact, the flag(s) would be removed.

-In order to create and finalize this NCB, designated CBSA NHQ Programs/ CBSA NHQ Operations personnel entering must enter their name and notes (remarks) justifying the decision to remove an NCB.

ACCESS: This access will **NOT** be available to all FOSS users.

Access must be restricted to select personnel at CBSA National Headquarters/CBSA NHQ Operations.

This is yet to be determined as further consultation will be required.

**Reason(s) for change being requested:** By making changes to what flags are returned at PIL through the creation of a Super NCB, there would be a reduction in the volumes of clients referred for immigration secondary examinations (where deemed unnecessary). Client service would be expedited (where it has been determined an immigration secondary exam is not necessary), and CBSA would realize time, money, and resource savings on flag removal requests at NHQ. Additionally, volumes of this issuance of this type of NCB would be easily accessible for reporting and review as a redress mechanism. The current flag removal procedure is not trackable, and officers will be afforded full transparency in receiving a comprehensive view of what actions have taken place in FOSS with dates/notes.

**Reporting Impacts:** Datawarehouse must be able to display/report on the volumes of the issuance Super NCB Type through the expansion of the FOSS NCB Cube to accommodate the new NCB type.

**Contact Information:** Richard Ojha, Immigration Border Policy Unit or Jason Daigle, Port of Entry Operations

**Approved by:** Cindy Bouchard, Immigration Border Policy Unit, or Jason Daigle, Port of Entry Operations

**Change required by :** (As soon as possible)



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## BSSE - Change Request Form

<b>System Change(s) required to:</b>	<b>NCMS</b>	<b>NCMS Reports</b>	<b>FOSS X</b>
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<b>Client/Office Requesting the change:</b> Border Programs and Port of Entry Operations	<b>Request sent to:</b> (BSSE - responsible person) <b>Adrienne Barlow</b>
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### Summary:

The Immigration Border Policy team is currently responsible for removing immigration enforcement flags from FOSS at the recommendation of BSOs and their supervisors. These flags can become unnecessary over time. In many instances, there is no compelling need for them to be interviewed in Immigration Secondary each time they seek entry to Canada. As circumstances change with individual clients, excessive referrals waste resources and negatively impact the traveler experience. Mandatory referrals made as a result of unnecessary enforcement flags place a burden on border operations.

In fiscal year 2011-2012 there were 4,058 requests to remove an FOSS enforcement flag. The projection for the 2012 – 2013 fiscal year is 5,000 requests will be received. With the requirement for 100% document checks at PIL on the horizon, we anticipate that this number may be even higher. There are a very limited number of people who have the authorized FOSS profile and training to remove enforcement FOSS flags within the CBSA.

Border Programs and Port of Entry Operations have found that in some instances where a flag has been removed from a client, it is turning back on. In an effort to maximize resources and reduce replication of work, Border Programs and Port of Entry Operations is requesting the following changes be made to FOSS:

### Requirement(s):

1. Where a FOSS Flag (PIL Bit) is removed (set to false) by those with the authorization to do so at NHQ, it **MUST NOT** be turned back on automatically where there is a system refresh or otherwise in any circumstances.
2. A flag will **only** be turned back on if there is **subsequently** a document is created in the system that would trigger a flag to be turned on (PIL Bit).



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- 2 -

**Reason(s) for change being requested:** By removing flags of on clients (deemed to not require a secondary immigration examination) returned at PIL there is an opportunity to better utilize human and financial resources. However savings are not realized if work must be replicated when flags that are being turned off are systematically being turned back on.

**Reporting Impacts:** No reporting impacts.

**Contact Information:** Richard Ojha, Immigration Border Policy Unit or Jason Daigle, Port of Entry Operations

**Approved by:** (Cindy Bouchard, Immigration Border Policy Unit or Jason Daigle, Port of Entry Operations)

**Change required by :** (As soon as possible)

## Belanger, Jean-Marie

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**From:** Bouchard, Cindy  
**Sent:** March 28, 2014 06:32 PM  
**To:** Brennan, Monique; CIC / CIC; Barlow, Adrienne; Bilsky, Desiree; Cardin, Katerine; Dunbar, Ian; Hurst, Paul; Lyall, Lee; Malik, Vanessa; Ngaiza, Dorris; Ojha, Richard; Richardson, Neil; Vanayan, Cara  
**Subject:** Cross Mode Policy Unit Rules of Thumb  
**Attachments:** Cross Mode Policy Unit Rules of Thumb.doc

For those who haven't seen this before.... we used to be Cross-Mode Policy, had a bit of an identity crisis because of it (who would blame us), and became Immigration Border Policy, a more meaningful name, don't you think?

## Cross Mode Policy Unit: Office Management Rules of Thumb

### Engaging the Manager

**What Cindy would like to see (review/approve/sign as required) or be engaged in:**

- Meetings with Manager counterpart (or higher) within CBSA, CIC, PS, OGDs, stakeholders
- Anything that could hit the Minister, the President, the media (e.g. sensitive ATIP, complaints, red flag issues)
- Anything that the Director or above must sign or approve
- HR: leave slips, training requests, travel requests, performance management, staffing papers, etc.
- Budget (review/approval/signature)
- Plans and reports (e.g. input into APR)

**What Cindy generally does not want to participate in (Officers respond directly, no need to copy Cindy, just copy the office assistant):**

- Routine correspondence with the field (CPSDs, others) and the public on program, policy or procedural issues
- Correspondence between IBP team leads and officers
- Thank you's/you're welcome or acknowledging receipt of a message

### **Transmission of correspondence:**

- President → Deputy Minister
- President → Minister
- Vice President → Assistant Deputy Minister
- Director → Director
- Manager → Manager\*
- Officer → Officer
- Administrative Support → Administrative Support (e.g. tracking of BF dates, including extension requests, ATIP, correspondence, HR/budget paperwork)
- Cindy → Alec

Avoid responding to DGO and DO directly, following the hierarchy so admins can track the BFs.

\* Some exceptions as agreed to on a case-by-case basis. Always at least copy Cindy on correspondence with other managers.

## **Preferences - Courtesy opening and closing phrases**

### When responding:

- Thank you for your request for comments (inquiry, meeting invitation)
- You will find below IBP/TBPD's comments (input) for your consideration
- We are consulting with (Legal Services, CIC, other CBSA areas) on this matter, and will come back to you at our earliest opportunity
- We would be happy to be consulted on future iterations of this proposal

### When tasking:

- We would be grateful to receive your input no later than ...
- We would appreciate a response approved by your Director by (date)

### When closing:

- Thank for you for the opportunity to comment on this proposal
- Thank you for the opportunity to contribute to this important exercise
- Thank you for the opportunity to convey TBPD's views on this initiative
- We look forward to your participation (to your contribution) to ensure that we capture the views and interests of all concerned CBSA areas on this important policy initiative
- We look forward to meeting you at next week's meeting
- Please contact (the undersigned, or the name of the officer/manager) if you require further information (or clarification)
- We regret the short timeline and look forward to your response.

## **Preparing responses on behalf of the VP, DG, Director, Manager**

- Do not include the email "thread" (clean it up): always remove our internal (IBP) traffic from final messages sent to DO and external colleagues
- Responses to ATIP, O Canada, minor, inquiries, etc., should include the incoming request and attachments, plus the final response only (keep correspondence tight and limited to essentials)
- When preparing a reply for the Director/DG, offer a reply that is crafted accordingly (suggest an actual reply from the Director/DG)
- Always include a suggested distribution list
- When recommending that a tasking be reassigned to another area, please indicate why and which CBSA area is best placed to respond, in our view. Please consult that area to determine if they agree to take this on beforehand. When a tasking only partially belongs to IBP, always indicate that our response is partial and which other area(s) should be consulted so the person tasking gets a complete, whole-of-agency, response
- Always copy our office clerk on official taskings

## Belanger, Jean-Marie

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**From:** Hurst, Paul  
**Sent:** April 10, 2014 11:55 AM  
**To:** Bérubé, Luc  
**Subject:** RE: Profanity-filled posters at customs office sparked massive investigation | Toronto Star

-----Original Message-----

From: Bérubé, Luc

Sent: April 9, 2014 9:27 AM

To:

Subject: Profanity-filled posters at customs office sparked massive investigation | Toronto Star

[http://www.thestar.com/news/gta/2014/04/09/profanityfilled\\_posters\\_at\\_customs\\_office\\_sparked\\_massive\\_investigation.html](http://www.thestar.com/news/gta/2014/04/09/profanityfilled_posters_at_customs_office_sparked_massive_investigation.html)

lb

## Belanger, Jean-Marie

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**From:** Hurst, Paul  
**Sent:** April 7, 2014 01:52 PM  
**To:** Vanayan, Cara  
**Subject:** RE: Thought you might like to see this....

I caught it on the way out of the door this morning... but had to wait until now to send it. The interwebs are acting up. I am so glad that we use Internet Explorer. Ummmm. Yeah.

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**From:** Vanayan, Cara  
**Sent:** April 7, 2014 1:50 PM  
**To:** Hurst, Paul; Malik, Vanessa  
**Subject:** RE: Thought you might like to see this....

Yes, I saw that....interesting stuff! Thanks Paul.

### *Cara Vanayan*

Senior Program Officer | Agente principale en matière de programme  
Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
Traveller Border Programs Division | Programmes frontalier pour les voyageurs  
Programs Branch | Direction générale des programmes  
Canada Border Services Agency | 191 Laurier Ave W, 15th floor, Ottawa, ON K1A 0L8  
Agence des services frontaliers du Canada | 191 Laurier Ave O, 15e étage, Ottawa ON K1A 0L8  
Government of Canada | Gouvernement du Canada  
Telephone | Téléphone: 613-952-1572  
Facsimile | Télécopieur 613-954-0828  
Email | courriel: [cara.vanayan@cbsa-asfc.gc.ca](mailto:cara.vanayan@cbsa-asfc.gc.ca)

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**From:** Hurst, Paul  
**Sent:** April 7, 2014 1:48 PM  
**To:** Malik, Vanessa; Vanayan, Cara  
**Subject:** Thought you might like to see this....

<http://www.cbc.ca/news/canada/british-columbia/mcdonald-s-accused-of-favouring-foreign-workers-1.2598684?autoplay=true>

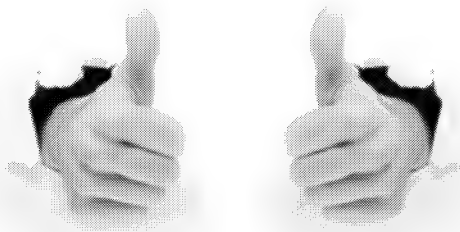
Paul Hurst  
Immigration Border Policy Unit - Traveller Border Programs  
Canada Border Services Agency  
191 Laurier Ave West, Suite 15031  
Ottawa, On K1A 0L8  
(613) 948-7094  
[Paul.Hurst@cbsa-asfc.gc.ca](mailto:Paul.Hurst@cbsa-asfc.gc.ca)



## Belanger, Jean-Marie

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**From:** Hurst, Paul  
**Sent:** March 19, 2014 02:47 PM  
**To:** Vanayan, Cara  
**Subject:** RE: withdrawing a refugee claim



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**From:** Vanayan, Cara  
**Sent:** March 19, 2014 2:46 PM  
**To:** Barlow, Adrienne  
**Cc:** Hurst, Paul; Ngaiza, Dorris; Bouchard, Cindy  
**Subject:** RE: withdrawing a refugee claim

Hi Adrienne,  
I've included the response below. Feel free to modify as needed.  
Thanks,  
Cara

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Dear Anita,

Thank you for your question regarding the lack of information concerning procedures for withdrawing a refugee claim at the port of entry.

The information you are seeking may be found at the following website that you indicated in your email:  
<http://cicintranet.ci.gc.ca/connexion/tools-outils/refugees-refugies/canada/processing-traitement/withdrawal-retrait-eng.aspx>

By clicking on the last bullet "procedures for withdrawal," the information does appear on the page; however, it does not appear immediately after the heading. Instead, you must scroll down further, as the layout of the CIC website has caused the table containing the information you seek to be placed at the bottom of the page.

We apologize for any confusion this may have caused.

If you have any additional questions or concerns, please do not hesitate to contact us.

Thank you,  
Cara

*Cara Vanayan*

Senior Program Officer | Agente principale en matière de programme  
Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
Traveller Border Programs Division | Programmes frontalier pour les voyageurs  
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Government of Canada | Gouvernement du Canada  
Telephone | Téléphone: 613-952-1572  
Facsimile | Télécopieur 613-954-0828  
Email | courriel: [cara.vanayan@cbsa-asfc.gc.ca](mailto:cara.vanayan@cbsa-asfc.gc.ca)

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**From:** Barlow, Adrienne  
**Sent:** March 19, 2014 12:01 PM  
**To:** Vanayan, Cara  
**Cc:** Hurst, Paul; Ngaiza, Dorris; Bouchard, Cindy  
**Subject:** FW: withdrawing a refugee claim

Hi Cara,

Could you please prepare a response to below.

Paul is available to assist you, should you require any guidance.

Thanks,

Adrienne

Adrienne Barlow  
Senior Program Advisor - Conseillère principale des programmes  
Immigration Border Policy Unit | Unité des politiques frontalières d'immigration  
Traveller Border Programs | Programmes frontaliers pour les voyageurs  
Canada Border Services Agency | 191 Laurier Ave W, 15th floor, Ottawa, ON K1A 0L8  
Agence des services frontaliers du Canada | 191 Laurier Ave O, 15e étage, Ottawa ON K1A 0L8  
Tel: 613-952-1501 / Fax: 613-954-0828 / [adrienne.barlow@cbsa-asfc.gc.ca](mailto:adrienne.barlow@cbsa-asfc.gc.ca)

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**From:** Malloy, Nour  
**Sent:** March 19, 2014 11:32 AM  
**To:** Barlow, Adrienne; Bouchard, Cindy  
**Cc:** Malloy, Nour; Dargis, Marie-Pier; Ngaiza, Dorris  
**Subject:** FW: withdrawing a refugee claim

Please prepare a response back to Anita.

**BF EOD Friday March 21**

Thanks,  
Nour

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**From:** Haidar, Anita  
**Sent:** March 14, 2014 11:19 AM  
**To:** CBSA-ASFC\_TBPD-DPFV  
**Subject:** FW: withdrawing a refugee claim

Question about Connexion Manuals

When click on Procedures for withdrawal it goes no further. Officers have had to revert back to the old PP manual in order to obtain information. Procedures for withdrawal can be found by clicking through the below route.

Connexion>Manuals>Refugee Protection (PP1)>In-Canada Claims>Procedures at POEs>Withdrawals and suspensions>Procedures for withdrawal – it stops here and provides no further information.

Please assist.  
Anita



### Anita Haidar

Regional Program Officer / Agent de Programme Régional  
Canada Border Services Agency / Agence des services frontaliers du Canada  
#607 – 333 Dunsmuir Street, Vancouver, BC V6B 6C8 / 333, rue Dunsmuir, bureau 607  
Tél: 604-666-8636 / Fax: 604-666-2826  
[Anita.Haidar@cbsa-asfc.gc.ca](mailto:Anita.Haidar@cbsa-asfc.gc.ca)  
Government of Canada / Gouvernement du Canada

## 14 Procedures: Withdrawal of a refugee claim

At any point prior to the referral of a claim to the Refugee Protection Division (RPD), or the determination that the claim is not eligible for referral, the client may inform the officer that they no longer wish to pursue the claim. Such a discontinuation is not considered a withdrawal for the purposes of paragraph A101(1)(c) of IRPA. This means that if the person concerned makes a refugee claim at a later date, it cannot be determined ineligible under A101(1)(c).

### 14.1 Withdrawal: how to proceed

If...	Then....
A claimant requests a withdrawal before referral to the RPD	<ul style="list-style-type: none"> <li>• A refugee claim at a later date would not be found ineligible under <u>A101(1)(c)</u>.</li> <li>• Complete form <u>IMM 5317B</u>, "Withdrawal of a Claim for Refugee Protection prior to Referral to the RPD";</li> <li>• Explain the contents of the form and ensure person understands the statement and that the refugee claim will not be heard and they will have to leave Canada;</li> <li>• Attach a photo and seal with a port stamp;</li> <li>• Give claimant a copy; and</li> <li>• In the RR screen of FOSS, enter '3 – withdrawn' in the 'otherwise concluded reason' field.</li> <li>• <b>Note:</b> <i>If the person still wants to enter Canada, admissibility of the person must be assessed.</i></li> <li>• If the person is at a POE and is not seeking to enter Canada, the officer may allow the person to leave as per <u>R42(1)</u>.</li> <li>• When a removal order is made (whether at a port of entry or inland), it comes into force as per <u>A49(1)</u>.</li> <li>• If the person is in status, they may remain in Canada until that status</li> </ul>

expires.

A claimant requests  
withdrawal after claim found  
ineligible

- the officer may *not* reconsider the eligibility decision;
- any future claims would be ineligible 101(1)(c);
- any removal order comes into force in accordance with paragraph 49(2)(a) or (b).

Claimant requests withdrawal  
*after* referral to the RPD

- the claimant should inform the RPD, either in writing or orally at a proceeding of the RPD;
- Any future claims would be ineligible 101(1)(c), including when a withdrawal is communicated to the IRB through an intermediary e.g. CBSA officer.

**Note:** *A person whose claim is considered withdrawn by the RPD may apply to the RPD to have their claim reinstated.*

## **Belanger, Jean-Marie**

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**From:** Hurst, Paul  
**Sent:** March 19, 2014 10:51 AM  
**To:** Girard, Claire  
**Cc:** Barlow, Adrienne; Ngaiza, Dorris; Ojha, Richard  
**Subject:** Refugee Processing Study

Hi Claire....

I wish I could be the bearer of better news, but unfortunately the study ended without fanfare, interpretation or ultimately, results.

Refugee reform and the imposition of the TRV on Mexico ended the project. The goal was to set a service standard and to attempt to achieve a level of uniformity in refugee processing. The time study and site visits were useful in that we observed a vast spectrum of processes that were conducted to achieve a single goal: the processing of a port of entry refugee claimant.

The ultimate issue was that we were comparing apples to watermelons to kumquats to oranges to strawberries. A resource allocation model could not be produced when the regions were performing examinations in disparate manners. In order for us to get an accurate time study, we would have had to have all regions performing the same tasks for the same process.

With the rules changed and the numbers dramatically decreased, the impetus for pursuing the project became less important. Thus, it has remained in a state of stasis, without a final resolution.

Sorry we couldn't be more helpful!

**Paul Hurst**  
**Immigration Border Policy Unit - Traveller Border Programs**  
Canada Border Services Agency  
191 Laurier Ave West, Suite 15031  
Ottawa, On K1A 0L8  
(613) 948-7094  
[Paul.Hurst@cbsa-asfc.gc.ca](mailto:Paul.Hurst@cbsa-asfc.gc.ca)

## Belanger, Jean-Marie

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**From:** Hurst, Paul  
**Sent:** March 13, 2014 02:26 PM  
**To:** Bouchard, Cindy  
**Cc:** Ngaiza, Dorris  
**Subject:** RE: For response: Entry/Exit Changes as of June 2014

1. If I am a dual US/Canadian citizen, which passport (US or Canadian) am I supposed to show when ENTERING the US from Canada?
2. If I am a dual US/Canadian citizen, which passport (US or Canadian) as I supposed to show when entering Canada from the US?

The simple response to both questions is that you should present the document that grants you the right of entry. Entering Canada as a Canadian citizen, you should show your Canadian passport; entering the US as a US citizen you should show your US passport. One should also remember that it is not illegal to carry both passports simultaneously if you still hold both citizenships.

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**From:** Bouchard, Cindy  
**Sent:** March 13, 2014 1:26 PM  
**To:** Hurst, Paul  
**Cc:** Ngaiza, Dorris  
**Subject:** FW: For response: Entry/Exit Changes as of June 2014  
**Importance:** High

For your action pls

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**From:** D'Angelo, Annamaria  
**Sent:** March 13, 2014 1:22 PM  
**To:** Khatib, Nour  
**Subject:** For response: Entry/Exit Changes as of June 2014  
**Importance:** High

Hi Nour!

We received the following enquiry from a member of the public which touches on entry requirements.

Can your area please provide responses to **questions 1 and 2 by noon tomorrow?**

Many thanks.

Annamaria D'Angelo  
Communications Advisor / Conseillère en communications  
613-941-4560

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The National Post ran a story about changes to entry /exit tracking at the US/Canada border. <http://business.financialpost.com/2014/03/11/border-shakeup-could-have-tax-consequences-for-snowbirds/>

Where can I get more specific information about this initiative? Specifically I would like to know:

1. If I am a dual US/Canadian citizen, which passport (US or Canadian) am I supposed to show when ENTERING the US from Canada?
2. If I am a dual US/Canadian citizen, which passport (US or Canadian) as I supposed to show when entering Canada from the US?
3. Will this tracking of 180 days apply to travel to other countries in a 12-month period besides the US? Specifically, does the 180 days include ANY day outside of Canada regardless of the location or does that 180 days ONLY apply to time spent in the US? (For example, if I visit Europe in April, then Australia in October, then go to the US in January, will all of those dates be counted?)
4. I have a Nexus card issued by the US. Does this change mean that I cannot use my Nexus card at a US/Canadian border crossing? Wasif/Cathy

Thank you for any information that you can provide.

## **Belanger, Jean-Marie**

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**From:** Hurst, Paul  
**Sent:** March 10, 2014 02:25 PM  
**To:** Ngaiza, Dorris  
**Cc:** Richardson, Neil  
**Subject:** Memorandums of Understanding

Dorris...

We don't hold the MOUs – these are locally/regionally crafted documents that have a history dating back many years between Manpower and Immigration/CEIC/CIC and CSA in Toronto and Niagara. I have seen one years ago when I worked in Pearson and the best contact would be either Dennis Milosevic and/or Naima Karimullah for the Toronto/Peel MOU - I am unsure of the contact for Niagara.

Had I known that we required one, I would have requested a copy much earlier.

**Paul Hurst**  
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